

Panaji, 11th March, 1976 (Phalguna 21, 1897)

SERIES I No. 50

OFFICIAL GAZETTE



GOVERNMENT OF GOA, DAMAN AND DIU

GOVERNMENT OF GOA, DAMAN AND DIU

Special Department

Notification

1.12(1)/75-SPL

In exercise of the powers conferred by the proviso to Article 309 of the Constitution read with the Government of India, Ministry of External Affairs letter No. F.7(II)/62-Goa dated 25th July, 1963, the Administrator of Goa, Daman and Diu is pleased to make the following amendment to the Recruitment Rules for Class III and Class IV posts (Group C and D) in the Union Territory of Goa, Daman and Diu.

In the Schedule appended to the Notification issuing Recruitment Rules for various Class III and Class IV posts (Group C and D) under this Administration, in the entry under column 6, wherever the upper age limit has been indicated less than 30 years, shall be read as:

"30 years (relaxable for Government servants)"

This notification will take effect from the date of its issue.

By order and in the name of the Administrator of Goa, Daman and Diu.

M. K. Bhandare, Deputy Secretary (Appointments).
Panaji, 11th March, 1976.

Notification

1-12(1)/75-SPL

In exercise of the powers conferred by the proviso to article 309 of the Constitution, read with the Government of India, Ministry of External Affairs letter No. F.7(11)/62-Goa dated the 25th July, 1963, the Administrator of Goa, Daman and Diu, is pleased to make the following rules relating to recruitment to Group C posts in Law and Judiciary Department, under the Government of Goa, Daman and Diu.

1. **Short title.**—These rules may be called Government of Goa, Daman and Diu, Law and Judiciary Department, Group C (Non-ministerial non-Gazetted) posts. Recruitment Rules, 1976.

2. **Application.**—These rules shall apply to the posts specified in column 1 of the Schedule to these rules.

3. **Number, classification and scale of pay.**—The number of posts, classification of the said posts and the scales of pay attached thereto shall be as specified in columns 2 to 4 of the said Schedule.

4. **Method of recruitment, age limit and other qualifications.**—The method of recruitment of the said posts, age limit, qualifications and other matters connected therewith shall be as specified in columns 5 to 13 of the aforesaid Schedule.

Provided that,

- (a) the maximum age limit specified in the Schedule in respect of direct recruitment may be relaxed in the case of candidates belonging to the Scheduled Tribes and other special categories in accordance with the orders issued by the Government from time to time; and
- (b) no male candidate, who has more than one wife living and no female candidate, who has married a person having already a wife living, shall be eligible for appointment; unless the Government, after having been satisfied that there are special grounds for doing so, exempts any such candidate from the operation of this rule.

5. These rules will come into effect from the date of the Notification and will relate to appointment to the various posts made on or after this date.

6. This issues in supersession of any Recruitment Rules for the posts existing till date.

T. Kipgen
Chief Secretary

Panaji, 4th March, 1976.

SCHEDULE

Name of the post	No. of posts	Classification	Scale of Pay	Whether Selection Post or non-Selection Post	Age limit for direct recruits	Educational and other qualifications required for direct recruits	Whether age and educational qualifications prescribed for the direct recruits will apply in the case of promotees	Period of probation, if any	Method of recruitment whether by direct recruitment or by promotion or by deputation/transfer, and percentage of the vacancies to be filled by various methods	In case of recruitment, by promotion/deputation/transfer, grades from which promotion/deputation/transfer is to be made	If a DPC exists, what is its composition	Circumstances in which U. P. S. C. is to be consulted in making recruitment
1	2	3	4	5	6	7	8	9	10	11	12	13
Legal Superintendent.	As sanctioned from time to time.	Group C (Non-ministerial non-Gazetted)	Rs. 550-25-750-EB-30-900. (Promotees to start at Rs. 600/-)	Selection	35 years (Relaxable for Government servants)	<i>Essential:</i> 1. Degree in Law of a recognised University or equivalent. 2. Three years experience in Legal Department.	Age: No. Qs.: Yes	Two years	Promotion failing which by direct recruitment.	<i>Promotion:</i> Legal Assistant with five years service in the grade.	Group C	As required under the rules. of Chief Secretary, Law Secretary and Deputy Secretary (Appointments).
Legal Assistant.	— do —	— do —	Rs. 425-15-500-EB-15-560-20-700.	— do —	30 years (Relaxable for Government servants)	<i>Essential:</i> 1. Degree in Law of a recognised University or equivalent. <i>Desirable:</i> i. Knowledge of Portuguese Laws. ii. Experience of Legal work in any Legal Department or practice of two years as an Advocate.	N. A.	— do —	By direct recruitment.	N. A.	— do —	— do —

Home Department (Transport and Accommodation)

Notification

HD(TA-Tpt)/1-12/75

Whereas certain draft rules further to amend the Goa, Daman and Diu Motor Vehicles Rules, 1965 were published as required by sub-section (1) of section 133 of the Motor Vehicles Act, 1939 (4 of 1939), at page 417 of the Official Gazette, No. 37, Series I, dated 11-12-1975 under the Notification No. HD(TA-Tpt)/1-12/75 dated 4-12-1975 of the Home Department, Government of Goa, Daman and Diu, inviting objections and suggestions from all persons likely to be affected thereby till thirty days from the date of publication of the said Notification in the Official Gazette;

And whereas the said Gazette was made available to the public on 11th December, 1975;

And whereas no objections and suggestions have been received from the public on the said draft by the Government;

Now, therefore, in exercise of the powers conferred by clause (i) of sub-section (2) of section 68 of the Motor Vehicles Act, 1939 (4 of 1939), as applicable to the Union territory of Goa, Daman and Diu and all other powers enabling him in that behalf, the Lieutenant Governor of Goa, Daman and Diu hereby makes the following rules so as to further amend the Goa, Daman and Diu Motor Vehicles Rules, 1965, namely:—

1. *Short title and commencement.*—(1) These rules may be called the Goa, Daman and Diu Motor Vehicles (Thirty First Amendment) Rules, 1976.

(2) They shall come into force at once.

2. *Amendment of rule 4A.2.*—In rule 4A.2 of the Goa, Daman and Diu Motor Vehicles Rules, 1965, in sub-rule (1), in clause (a), after sub-clause (x), the following shall be inserted, namely:—

“(xi) power under sub-section (6) of section 63 to grant special contract permits”.

By order and in the name of the Lieutenant Governor of Goa, Daman and Diu.

G. M. Sardessai, Under Secretary (Home).

Panaji, 3rd March, 1976.

Revenue Department

Notification

RD/MND/ACT/241/66-76

In exercise of the powers conferred in sub-section (3) of section 1 of the Goa, Daman and Diu Mundkars (Protection from Eviction) Act, 1975

(Act No. 1 of 1976) the Government hereby fixes 12th March, 1976 as the date on which the provisions of the said Act shall come into force in the whole of the district of Goa of the Union Territory of Goa, Daman and Diu.

By order and in the name of the Administrator of Goa, Daman and Diu.

S. R. Arya, Secretary (Revenue).

Panaji, 10th March, 1976.

Urban Development Department

Notification

3-109-71-LSG

The following draft amendment which is proposed to be made to the Goa, Daman and Diu Municipalities (Tax on Advertisements other than advertisements published in newspapers) Rules, 1971 is hereby pre-published as required by sub-section (3) of section 306 of the Goa, Daman and Diu Municipalities Act, 1968 (7 of 1969) for information of the persons likely to be affected thereby and notice is hereby given that the said draft amendment rules will be taken into consideration by the Government on the expiry of fifteen days from the date of publication of this Notification in the Official Gazette.

2. All objections and suggestions to the draft amendment may be sent to the Under Secretary to the Government of Goa, Daman and Diu, Urban Development Department, Secretariat, Panaji before the expiry of fifteen days from the date of publication of this Notification in the Official Gazette so that they may be taken into consideration at the time of finalisation of the proposed amendment.

DRAFT AMENDMENT

In exercise of the powers conferred by sub-section (2) of the section 306 read with proviso to sub-section (1) of section 101 of the Goa, Daman and Diu Municipalities Act, 1968 (7 of 1969) and all other powers enabling him in that behalf, the Lt. Governor of Goa, Daman and Diu hereby makes the following rules so as to amend the Goa, Daman and Diu Municipalities (Tax on advertisements other than advertisements published in the newspapers) Rules, 1971, namely:—

1. *Short title and commencement.*—(1) These rules may be called the Goa, Daman and Diu Municipalities (Tax on Advertisements other than advertisements published in the newspapers) Second Amendment Rules, 1976.

(2) They shall come into force at once.

2. *Amendment of rule 13.*—After clause (2) of rule 13 of the Goa, Daman and Diu Municipalities

(Tax on Advertisements other than advertisements published in the newspapers) Rules, 1971, the following Clause (3) shall be inserted, namely:—

“(3) Hoarding installed by the National Savings Organisation”.

By order and in the name of the Lieutenant Governor of Goa, Daman and Diu.

S. R. Arya, Secretary (Urban Development Department).

Panaji, 2nd March, 1976.

Legislative Assembly of Goa, Daman and Diu

Legislature Department

LA/B/7/465/76

The following Bill which was introduced in the Legislative Assembly of Goa, Daman and Diu on 8th March, 1976 is hereby published for general information in pursuance of the provisions of Rule 136 of the Rules of Procedure and Conduct of Business of the Legislative Assembly.

The Goa, Daman and Diu Administration of Evacuee Property (Fourth Amendment) Bill, 1976

(Bill No. 1 of 1976)

A BILL

further to amend the Goa, Daman and Diu Administration of Evacuee Property Act, 1964.

Be it enacted by the Legislative Assembly of Goa, Daman and Diu in the Twenty-seventh Year of the Republic of India as follows:—

1. **Short title and commencement.**— (1) This Act may be called the Goa, Daman and Diu Administration of Evacuee Property (Fourth Amendment) Act, 1976.

(2) It shall come into force at once.

2. **Amendment of section 4.**— In sub-section (1) of section 4 of the Goa, Daman and Diu Administration of Evacuee Property Act, 1964, the proviso 6 of 1964 shall be omitted.

Statement of Objects and Reasons

Proviso to section 4 of the Goa, Daman and Diu Administration of Evacuee Property Act, 1964 stipulates that the Custodian shall be a person qualified in law and also shall have such legal experience as may be prescribed. During the administration of the Act it has been experienced that suitable officers qualified in law as also possessing legal experience are not available for appointment as Custodian. Further, during the course of past ten years it is

found that administration of evacuee property does not require legal experience and qualifications. This being the position it is proposed to empower the Government to appoint any officer who has good administrative experience, as custodian. The present Bill seeks to achieve this.

Financial Memorandum

The Bill does not entail any additional expenditure.

Panaji,

SHASHIKALA KAKODKAR

5th February, 1976.

Chief Minister

Assembly Hall,

M. M. NAIK

Panaji,

Secretary to the Legislative Assembly of Goa, Daman and Diu

21st February, 1976.

(Annexure to Bill No. 1 of 1976)

The Goa, Daman and Diu Administration of Evacuee Property Act, 1964
(Fourth Amendment) Bill, 1976

The Goa, Daman and Diu Administration of Evacuee Property Act, 1964
(Act No. 6 of 1964)

4. *Appointment of Custodian, etc.*— (1) The Government may, by notification in the Official Gazette, appoint a Custodian and as many Deputy or Assistant Custodians of evacuee property as may be necessary for the purpose of discharging the duties imposed on the Custodian by or under this Act and may, by general or special order, provide for the distribution of work among them:

Provided that the Custodian shall be a person qualified in law and having such legal experience as may be prescribed.

(2) Notwithstanding anything contained in sub-section (1) any person who was exercising the powers of or functioning as a Custodian of property left behind by Portuguese nationals in Goa, Daman and Diu, by virtue of Proclamation no. XII dated 22nd January, 1962, issued by the Military Government thereof, shall be deemed to be a Custodian appointed under this Act until a Custodian is appointed under this Act.

Assembly Hall,

M. M. NAIK

Panaji,

Secretary to the Legislative Assembly of Goa, Daman and Diu

21st February, 1976.

LA/B/7/466/76

The following Bill which was introduced in the Legislative Assembly of Goa, Daman and Diu on 8th March, 1976 is hereby published for general information in pursuance of the provisions of Rule 136 of the Rules of Procedure and Conduct of Business of the Legislative Assembly.

The Goa, Daman and Diu Agricultural Indebtedness (Temporary Relief) Bill, 1976

(Bill No. 4 of 1976)

A Bill to provide temporary relief from indebtedness to agricultural labourers, small farmers and rural artisans in the Union territory of Goa, Daman and Diu.

Be it enacted by the Legislative Assembly of Goa, Daman and Diu in the Twenty-seventh Year of the Republic of India as follows:—

1. Short title and commencement. — (1) This Act may be called the Goa, Daman and Diu Agricultural Indebtedness (Temporary Relief) Act, 1976.

(2) It shall come into force at once.

2. Definitions. — In this Act, —

(a) "Administrator" means the Administrator of the Union territory of Goa, Daman and Diu appointed by the President under article 239 of the Constitution;

(b) "agriculture" includes horticulture, dairy farming, pisciculture, forestry, sericulture, bee-keeping, poultry farming and growing of food crops, fruits, vegetables, sugar-cane, ground-nut, coconut, arecanut, cashew and mango;

(c) "agricultural labourer" means a person who follows any one or more of the following agricultural operations in the capacity of a labourer on hire or exchange, whether paid in cash or in kind or partly in cash and partly in kind; —

(i) farming, including cultivation and tillage of soil;

(ii) dairy farming;

(iii) production, cultivation, growing and harvesting of any horticultural commodity;

(iv) raising of livestock, bees or poultry; and

(v) any practice performed on a farm as incidental to or in conjunction with farm operations (including any forestry or timbering operations) and preparation, for market and delivery to storage or to market or to carriage for transportation, of farm products;

(d) "bank" includes, —

(i) a banking company as defined in clause (c) of section 5 of Banking Regulation Act, 1949; Central Act 10 of 1949.

(ii) the State Bank of India constituted under the State Bank of India Act, 1955; Central Act 23 of 1955.

(iii) a subsidiary bank, as defined in the State Bank of India (Subsidiary Banks) Act, 1959; Central Act 38 of 1959.

(iv) a corresponding new bank specified in the First Schedule to the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970; Central Act 5 of 1970.

(v) any banking institution notified by the Central Government under section 51 of the Banking Regulation Act, 1949; Central Act 10 of 1949.

(vi) the Agricultural Refinance Corporation established under the Agricultural Refinance Corporation Act, 1963; Central Act 10 of 1963.

(vii) any other financial institution which may be notified in this behalf by the Administrator;

(e) "debt", with its grammatical variations and cognate expressions, means any liability in cash or kind, whether secured or unsecured, due from a debtor whether payable under a decree or order of any civil court or otherwise, but does not include —

(i) any rent or compensation due in respect of any property let out to a debtor;

(ii) any liability arising out of breach of trust in transactions other than money lending or any tortious liability;

(iii) any liability in respect of wages or remuneration due as salary or otherwise for services rendered;

(iv) any liability in respect of maintenance whether under a decree of a court or otherwise;

(v) any sum recoverable as an arrear of land revenue;

(vi) any debt due to the Central Government, a State Government, the Government of Goa, Daman and Diu, a local authority or a bank or a co-operative institution registered under the Maharashtra Co-operative Societies Act, 1960 as in force in the Union territory of Goa, Daman and Diu; Maharashtra Act 24 of 1961.

(f) "debtor" means a person who is an agricultural labourer or a rural artisan or a small farmer, who owes a debt;

(g) "rural area" means the area not declared to be a Municipal area under section 3 of the Goa, Daman and Diu Municipalities Act, 1969; 7 of 1969.

(h) "rural artisan" means a person who does not hold any agricultural land and whose principal means of livelihood is production or repair of traditional tools, implements and other articles or things needed for agricultural or purposes ancillary thereto and includes a person who normally earns his livelihood by practising a craft either by his own labour or by the labour of the members of his family in a rural area;

Explanation. — For the purpose of this clause, "member of the family" means spouse, son, unmarried daughter, and includes father, mother, grandson, widowed daughter, widowed grand-daughter solely dependent on the rural artisan for maintenance.

(i) "small farmer" means a farmer who owns land measuring less than two hectares;

3. Stay of suits, etc. — (1) Notwithstanding anything contained in any other law for the time being in force or in any contract, custom or usage to the contrary —

(i) no civil court shall entertain any suit, application or proceeding against a debtor in respect of any debt incurred by him;

(ii) any suit, application or proceeding in relation to the recovery of a debt pending before a civil court shall be stayed; and

(iii) no decree of a civil court in relation to the recovery of a debt which was passed before the commencement of this Act shall be executed, for a period of one year from the commencement of this Act.

(2) The Administrator may, by notification in the Official Gazette, extend the period referred to in sub-section (1) by a further period not exceeding one year.

4. Extension of period of limitation. — Notwithstanding anything contained in any other law for the time being in force, when the period of limitation is calculated for any suit, proceeding or appli-

cation, or for the execution of a decree, the period during which any person was debarred from instituting such suit or proceeding or making such application or executing such decree under this Act shall be excluded.

Explanation. — For the purposes of sections 3 and 4, suit includes appeal.

5. Repeal. — The Goa, Daman and Diu Agricultural Indebtedness (Temporary Relief) Ordinance, 1975 is hereby repealed. 4 of 1975

Statement of Objects and Reasons

Considering that the Legislative Assembly of the Union territory of Goa, Daman and Diu was not in session and the Administrator was satisfied that the circumstances existed which rendered it necessary for him to take immediate action and consequent upon the instructions obtained from the President in pursuance of the first proviso to Article 239B of the Constitution, the Administrator promulgated the Goa, Daman and Diu Agricultural Indebtedness (Temporary Relief) Ordinance, 1975 (No. 4 of 1975) on 16-10-1975 for imposing a moratorium on the recovery of debts from the landless labourers, small farmers and artisans for a period of one year in the Union territory of Goa, Daman and Diu.

The present Bill seeks to replace the above Ordinance.

Financial Memorandum

No financial implications are involved in this Bill.

Memorandum of Delegated Legislation

Powers have been given to the Government to extend the period of one year prescribed in sub-section (1) of section 3 of the Act by a further period not exceeding one year. This delegation is of normal character.

Panaji,
4th March, 1976.

PRATAPSING RANE
Minister for Revenue

Assembly Hall,
Panaji,
4th March, 1976.

M. M. NAIK
Secretary to the Legislative
Assembly of Goa, Daman and Diu

LA/B/7/487/76

The following Bill which was introduced in the Legislative Assembly of Goa, Daman and Diu on 8th March, 1976 is hereby published for general information in pursuance of the provisions of Rule 136 of the Rules of Procedure and Conduct of Business of the Legislative Assembly.

The Goa, Daman and Diu Habitual Offenders Bill, 1976

(Bill No. 5 of 1976)

A BILL

to make better provision for the treatment and training of habitual offenders and for certain other matters.

Whereas it is expedient to make better provision for the treatment and training of habitual offenders, and for certain other matters.

Be it enacted by the Legislative Assembly of Goa, Daman and Diu in the Twenty-seventh Year of the Republic of India as follows:—

CHAPTER I

Preliminary

1. Short title, extent and commencement. — (1) This Act may be called the Goa, Daman and Diu Habitual Offenders Act, 1976.

(2) It extends to the whole of the Union territory of Goa, Daman and Diu.

(3) It shall come into force on such date as the Government may, by notification in the Official Gazette, appoint.

2. Definitions. — In this Act, unless the context otherwise requires, —

(a) "Code" means the Code of Criminal Procedure, 1973; Central Act 2 of 1974

(b) "corrective settlement" means any place established, approved or certified as a corrective settlement under section 14;

(c) "district" means the area declared as a district under the provisions of section 3 of the Goa, Daman and Diu Land Revenue Code, 1968; 9 of 1969

(d) "District Magistrate" means, in relation to the District of Goa, the District Magistrate of Goa, or, in relation to the District of Daman or Diu, any officer empowered in this behalf by the Government, by notification in the Official Gazette, to exercise the powers of a District Magistrate under this Act;

(e) "Government" means the Government of the Union territory of Goa, Daman and Diu;

(f) "habitual offender" means any person who, since his attaining the age of eighteen years, has during any consecutive period (whether before or after the commencement of this Act, or partly before and partly after such commencement) of five years, been sentenced on conviction, on not less than three occasions, to a substantive term of imprisonment for one or more of the scheduled offences committed on separate occasions, being offences which are not connected together as to form parts of the same transaction and such sentence has not been reversed in appeal or revision.

Explanation. — In computing the consecutive period of five years aforesaid, any period spent in jail either under a sentence of imprisonment or under detention shall not be taken into account;

(g) "prescribed" means prescribed by rules made under this Act; *

(h) "registered offender" means a habitual offender registered or re-registered under this Act;

(i) "scheduled offence" means an offence specified in the Schedule or an offence analogous thereto;

(j) "Superintendent of Police" means any officer appointed by the Government, by notification in the Official Gazette, to perform the duties of a Superintendent of Police under this Act.

CHAPTER II

Registration of habitual offenders and restriction of their movements

3. Power of Government to direct registration of habitual offenders. — The Government may direct the District Magistrate to make a register of habitual offenders within his district, by entering therein the names and other prescribed particulars of such offenders.

4. Procedure for preparing a register of habitual offenders. — For the purpose of carrying out the direction given under section 3, the District Magistrate or any officer authorised by him in this behalf shall, by notice in the prescribed form to be served in the prescribed manner, call upon every habitual offender in the district —

(a) to appear before him at a time and place specified in the notice;

(b) to furnish such information as may be necessary to enable him to enter the name and other prescribed particulars of the habitual offender in the register; and

(c) to allow the finger and palm impressions, foot prints and photographs of the habitual offender to be taken:

Provided that the name and other prescribed particulars of a habitual offender shall not be entered in the register, unless he has been given reasonable opportunity of showing cause why such entry should not be made.

5. Charge of register and alterations therein. —

(1) The register shall be placed in the keeping of the Superintendent of Police of the district who shall, from time to time, report to the District Magistrate any alterations which ought, in his opinion, to be made therein.

(2) After the register has been placed in the keeping of the Superintendent of Police, no fresh entry shall be made in the register, nor shall any entry be cancelled except by or under, an order in writing of the District Magistrate.

6. Power to take finger and palm impressions, footprints and photographs at any time. — The District Magistrate, or any officer authorised by him in this behalf, may at any time order the finger and palm impressions, footprints and photographs, of any registered offender to be taken.

7. Registered offenders to notify change of residence and to report themselves. — (1) Every registered offender shall notify to such authority, and in such manner, as may be prescribed, any change or intended change of his ordinary residence:

Provided that where such offender changes, or intends to change, his ordinary residence to another district (whether within the Union territory of Goa, Daman and Diu or not), he shall notify the change or intended change to the District Magistrate.

(2) The District Magistrate may, by order in writing, direct that any registered offender shall —

(a) report himself once in each month, or where the District Magistrate for reasons specified in the

order so directs, more frequently, to such authority, and in such manner, as may be specified in the order, and

(b) notify any absence or intended absence from his ordinary residence to the aforesaid authority:

Provided that the District Magistrate may exempt any such offender from notifying any absence or intended absence from his ordinary residence for such period, and under such conditions as to him appear reasonable.

8. Procedure by District Magistrate on change of residence of habitual offender to other district. — (1) Where any registered offender changes his ordinary residence to another district within the Union territory of Goa, Daman and Diu, the District Magistrate of the District in which the offender is registered shall inform the District Magistrate of the other district of such change, and at the same time furnish him with the name and other particulars relating to the registered offender in the register.

(2) On the receipt of such information, the District Magistrate of the other district shall enter in his register the name and other particulars of the registered offender furnished to him, and inform the District Magistrate of the first district of such registration, and thereupon such District Magistrate shall cancel from his register the entry relating to that registered offender:

Provided that where a registered offender changes his ordinary residence to another district outside the Union territory of Goa, Daman and Diu, the District Magistrate of the first district shall, while furnishing the District Magistrate of the other district with the name and other particulars of the registered offender, make a request to that District Magistrate that he may be informed of the steps, if any, which may have been taken in relation to the offender under any law for the time being in force in that other district; and upon the receipt of such information, the District Magistrate of the first district shall cancel from his register the entry relating to that registered offender.

(3) Upon the entry of the name and other particulars of a registered offender in any register in the Union territory of Goa, Daman and Diu under sub-section (2), the provisions of this Act and the rules made thereunder shall apply to him as if he has been registered, in pursuance of a direction given under section 3, in the register of the district to which he has changed his ordinary residence.

9. Duration of registration and re-registration of habitual offenders. — (1) Subject to the provisions of sub-section (3), the registration of a habitual offender under this Act shall, unless earlier cancelled, cease to be in force on the expiry of five years from the date of such registration, and on such cancellation or expiry, the habitual offender shall cease to be registered offender.

(2) Notwithstanding the cancellation, or expiry of duration, of registration, a habitual offender may be re-registered in accordance with the provisions of this Act relating to registration, as often as he is convicted of one or more of the scheduled offences at any time after such cancellation or expiry; and subject to the provisions of sub-section (3), the re-registration shall, unless earlier cancelled, cease to

be in force on the expiry of five years from the date of such re-registration.

(3) Where a registered offender is, during the period of registration or re-registration, convicted of one or more of the scheduled offences and sentenced to a substantive term of imprisonment, the duration of registration or re-registration shall be extended for a period of five years from the date of his release from such imprisonment.

10. Right to make representations against registration or re-registration, etc.— (1) Any person aggrieved by the registration, or re-registration, of his name under section 4, or as the case may be, section 9, or by an order under sub-section (2) of section 7, may within the prescribed period make a representation to the Government against such registration, re-registration or order.

(2) The Government shall, after considering the representation, and giving the aggrieved person an opportunity of being heard, either confirm or cancel the registration, re-registration or order, as the case may be, and shall in the case of confirmation record a brief statement of the reasons therefor.

11. Power to restrict movements of registered offenders.— (1) If in the opinion of the Government it is necessary or expedient in the interest of the general public so to do, the Government may, subject to the provisions of sub-section (4), by order direct that any registered offender shall be restricted in his movements to such area, and for such period not exceeding three years, as may be specified in the order.

(2) Before making any such order the Government shall take into consideration the following matters, that is to say,—

(a) the nature of the offences of which the registered offender has been convicted, and the circumstances in which the offences were committed;

(b) whether the registered offender follows any lawful occupation, and whether such occupation is conducive to an honest and settled way of life and is not merely a pretence for the purpose of facilitating the commission of crime;

(c) the suitability of the area to which his movements are to be restricted; and

(d) the manner in which the registered offender may earn his living within the restricted area, and the adequacy of arrangements which are, or are likely to be, available therefor.

(3) A copy of the order shall be served on the registered offender in the prescribed manner.

(4) The period specified in an order under sub-section (1) shall in no case extend beyond the period of registration or re-registration as the case may be, referred to in section 9.

12. Power to cancel or alter restrictions of movements.— The Government may, by order, cancel any order made under section 11, or alter any area specified in an order under that section:

Provided that before making such order, the Government shall consider the matters referred to in sub-section (2) of section 11 in so far as they may be applicable.

13. Powers under sections 11 and 12 also exercisable by certain Magistrates.— (1) Subject to the provisions of sub-section (3), the powers of the Government under sections 11 and 12 may be exercised also by a Magistrate having power to act under section 110 of the Code, but without prejudice to the exercise of his powers under that section of the Code.

(2) A Magistrate acting under section 11 or 12 shall follow, as nearly as may be, the procedure laid down in sections 111, 112, 113, 114 and 116 of the Code for an order requiring security for good behaviour:

Provided that the order in writing referred to in section 111 of the Code shall, in addition to setting forth the substance of the information received, state the term, not exceeding three years, during which the order of restriction shall be in force.

(3) Where the Government has already made an order under section 11 in respect of a habitual offender, the Magistrate shall not exercise any powers conferred by this section in respect of the same habitual offender, during any period in which the order of the Government is in force.

CHAPTER III

Corrective training of habitual offenders

14. Establishment of corrective settlements.— (1) For the purpose of placing therein such habitual offenders as are directed to receive corrective training under this Act, the Government may, by notification in the Official Gazette, establish and maintain in the Union territory of Goa, Daman and Diu as many corrective settlements as it thinks fit.

(2) The Government may also approve or certify any privately managed institution (whether known as a settlement or otherwise) as a corrective settlement for the purposes of this Act.

15. Power to direct habitual offenders to receive corrective training.— (1) Where the Government is satisfied from the report of the District Magistrate or otherwise, that it is expedient with a view to the reformation of a registered offender and the prevention of crime, that the registered offender should receive training of a corrective character for a substantial period, the Government may by order in writing direct that the registered offender shall receive training of a corrective character for such period, not exceeding the duration of his registration or re-registration, as may be specified in the order.

(2) Where a habitual offender, who is not more than forty years of age,—

(a) is convicted of any offence punishable with imprisonment, or

(b) is required in pursuance of section 110 of the Code to execute a bond for his good behaviour, and the Court or the Magistrate is satisfied from the evidence in the case and other materials on record that it is expedient with a view to his reformation and the prevention of crime, that he should receive training of a corrective character, for a substantial period, the Court or the Magistrate may, in lieu of sentencing him for such offence or, as the case may be, requiring him to execute such bond, direct that he shall receive corrective training for such term of not less than two and not more

than five years, as the Court or the Magistrate may determine.

(3) Before giving any direction under sub-section (1) or sub-section (2), the Government, the Court or the Magistrate, as the case may be, shall —

(a) consult the officer prescribed on the capacity of the corrective settlements to receive the habitual offender,

(b) take into consideration the physical and mental condition of the offender, and his suitability for receiving corrective training in a corrective settlement, and

(c) give a reasonable opportunity to the offender to show cause why such direction should not be given.

(4) A habitual offender, in respect of whom a direction to receive corrective training has been made, shall be placed in a corrective settlement for the term of his training, and while in such settlement shall be treated in such manner and receive such training as may be prescribed.

16. Power to transfer or discharge from corrective settlement. — The Government, or any officer authorised by it in this behalf, may at any time by order in writing direct any habitual offender who may be in a corrective settlement to be transferred to another corrective settlement or to be discharged therefrom; and accordingly he shall be so transferred or, as the case may be, discharged.

CHAPTER IV

Penalties and procedure

17. Penalty for failure to comply with certain provisions of the Act. — A habitual offender who without lawful excuse, the burden of proving which shall lie upon him, —

(a) fails to appear in compliance with a notice issued under section 4, or

(b) intentionally omits to furnish any information required under that section, or furnishes as true any information which he knows, or has reason to believe, to be false or does not believe to be true, or

(c) refuses to allow his finger and palm impressions, foot-prints and photographs to be taken by any person acting under an order passed under section 6, or

(d) fails to comply with the provisions of sub-section (1) of section 7 or with an order of the District Magistrate under sub-section (2) thereof or with an order under section 11, may be arrested without warrant, and shall be punished —

(i) on first conviction, with imprisonment for a term which may extend to six months or with fine which may extend to two hundred rupees, or with both, and

(ii) on a second or subsequent conviction, with imprisonment for a term which may extend to one year or with fine which may extend to five hundred rupees, or with both:

Provided that, if the Court, after taking into consideration the offender's age and physical and mental condition and his suitability for receiving training of a corrective character in a corrective

settlement, is satisfied that it is expedient with a view to his reformation and the prevention of crime, that he should receive training of a corrective character for a substantial period, the Court may, in lieu of sentencing the offender to any punishment under this section, direct, after giving him an opportunity of showing cause (and after consulting the officer prescribed on the capacity of the corrective settlements to receive him) that he shall receive corrective training in a corrective settlement for such term not exceeding three years, as it may determine.

18. Arrest of persons found outside restriction area of corrective settlement. — If any habitual offender —

(a) is found outside the area to which his movements have been restricted in contravention of the conditions under which he is permitted to leave such area, or

(b) escapes from any corrective settlement in which he is placed,

he may be arrested without warrant by a police-officer, and taken before a Magistrate who, on proof of the facts, may order him to be removed to such area or to such corrective settlement, there to be dealt with in accordance with this Act and the rules made thereunder.

19. Enhanced punishment for certain previously convicted persons. — (1) Whoever, being a person in respect of whom a direction has been made under section 11, or section 15, and having been convicted of any of the scheduled offences falling under Part I of the Schedule is convicted of the same or of any other scheduled offence falling in that Part shall, on conviction, be punished with imprisonment for life or with imprisonment for a term which may extend to ten years.

(2) Nothing in this section shall affect the liability of such person to any further or other punishment to which he may be liable under the Indian Penal Code or any other law.

Central Act
45 of 1860

20. Punishment for certain registered offenders found under suspicious circumstances. — Whoever, being a person in respect of whom a direction has been made under section 11, or section 15, is found in any place under such circumstances as to satisfy the Court —

(a) that he was about to commit, or aid in the commission of, theft or robbery, or

(b) that he was making preparation for committing theft or robbery,

shall, on conviction, be punished with imprisonment for a term which may extend to three years, and shall also be liable to a fine which may extend to one thousand rupees.

21. Penalty for failure to arrest a habitual offender. — If a police officer having an opportunity to arrest any person under section 18, fails to arrest him in circumstances which are not beyond his control, he shall on conviction be punished with simple imprisonment for a term which may extend to one month or with fine which may extend to five hundred rupees, or with both.

CHAPTER V

Miscellaneous

22. Bar of jurisdiction. — No court shall question the validity of any direction or order issued under this Act.

23. Bar of legal proceedings. — No Suit, prosecution or other legal proceedings shall lie against the Government or any person for anything which is in good faith done or intended to be done under this Act.

24. Power to delegate. — The Government may, by notification in the Official Gazette, direct that any power exercisable by it under this Act except the power under section 25 may also be exercised subject to such conditions (if any) as may be specified in the notification, by such officer not below the rank of a District Magistrate as may be specified therein.

25. Power to make rules. — (1) The Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely: —

(a) the form of notice under section 4 and the manner in which such notice may be served;

(b) the form of the register of habitual offenders and the particulars to be entered therein;

(c) the authority to whom and the manner in which any change or intended change of ordinary residence shall be notified under sub-section (1) of section 7;

(d) the nature of restrictions to be observed by registered offenders whose movements have been restricted;

(e) the grant of certificate of identity to registered offenders and inspection of such certificates;

(f) the conditions under which the offenders may be permitted to leave the area to which their movements have been restricted or the corrective settlements in which they have been placed;

(g) the terms upon which offenders may be discharged from corrective settlements;

(h) the working, management, control and supervision of corrective settlements including the discipline and conduct of persons placed there in;

(i) the conditions for, and the manner of, approving or certifying privately managed settlements;

(j) the appointment of non-official visitors for corrective settlements;

(k) the conditions and circumstances under which members of the family of a habitual offender may be permitted to stay with him in a corrective settlement;

(l) the periodical review of the cases of all persons whose movements have been restricted or who are placed in corrective settlements under; this Act;

(m) any other matter which is to be, or may be prescribed, under this Act.

(3) In making rules under this Act the Government may provide that a contravention of any of the rules shall be punishable with fine which may extend to one hundred rupees.

(4) Every rule made under this Act shall, as soon as may be, after it is made, be laid on the table of the Legislative Assembly, while it is in session, for a total period of thirty days, which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, the Legislative Assembly makes any modification in the rule or decides that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however that any such modification or annulment shall be without prejudice to the validity of anything previously done or omitted to be done under that rule.

26. Savings. — Nothing in this Act shall affect the powers of any competent authority under any law for the time being in force to make an order of restriction or detention, and any order passed or direction made under this Act in so far as it conflicts with any order made by a competent authority under such law shall be deemed to be inoperative while the order under such law remains in force.

27. Repeal. — (1) Any law in force in the Union territory of Goa, Daman and Diu or any area thereof corresponding to any of the provisions of this Act or any part thereof shall stand repealed as from the date of coming into force of this Act.

(2) The provisions of the General Central Act Clauses Act, 1897 (as made applicable to 10 of 1897 the Union territory of Goa, Daman and Diu by section 2 of the Goa, Daman and Diu General Clauses Act, 1965) shall 7 of 1965 apply to the repeal under sub-section (1) as if the laws referred to therein were enactments.

THE SCHEDULE

[See section 2(i)]

I

Offences under the Indian Penal Code (45 of 1860)

CHAPTER XII

Sections.

- 231 Counterfeiting coin.
- 232 Counterfeiting Indian coin.
- 233 Making or selling instruments for counterfeiting coin.
- 234 Making or selling instruments for counterfeiting Indian coin.
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- 239 Delivery of coin, possessed with knowledge that it is counterfeited.
- 240 Delivery of Indian coin, possessed with knowledge that it is counterfeited.
- 242 Possession of counterfeit coin by person who knew it to be counterfeit when he became possessed thereof.
- 243 Possession of Indian coin by person who knew it to be counterfeit when he became possessed thereof.

CHAPTER XVI

- 304 Culpable homicide not amounting to murder.
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- 308 Attempt to commit culpable homicide.
- 311 Being a thug.
- 324 Voluntarily causing hurt by dangerous weapons or means.
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- 326 Voluntarily causing grievous hurt by dangerous weapons or means.
- 327 Voluntarily causing grievous hurt to extort property, or to constrain to an illegal act.
- 328 Causing hurt by means of poison, etc., with intent to commit offence.
- 329 Voluntarily causing grievous hurt to extort property, or constrain to an illegal act.
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- 333 Voluntarily causing grievous hurt to deter public servant from his duty.
- 347 Wrongful confinement to extort property, or constrain to illegal act.
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- 366A Procurement of minor girl.
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- 368 Wrongfully concealing or keeping in confinement, kidnapped or abducted person.
- 369 Kidnapping or abducting child under ten years with intent to steal from its person.
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- 380 Theft in dwelling house, etc.
- 382 Theft after preparation made for causing death, hurt or restraint in order to the committing of the theft.
- 384 Extortion.
- 385 Putting person in fear of injury in order to commit extortion.
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- 387 Putting a person in fear of death or of grievous hurt, in order to commit extortion.
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- 398 Attempt to commit robbery or dacoity when armed with deadly weapon.
- 399 Making preparation to commit dacoity.
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- 401 Belonging to a gang of thieves.
- 402 Assembling for purpose of committing dacoity.
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- 451 House-trespass in order to commit offence punishable with imprisonment.
- 452 House-trespass after preparation for hurt, assault or wrongful restraint.
- 453 Lurking house-trespass or house-breaking.
- 454 Lurking house-trespass or house-breaking in order to commit offence punishable with imprisonment.
- 455 Lurking house-trespass or house-breaking after preparation for hurt, assault or wrongful restraint.
- 456 Lurking house-trespass or house-breaking by night.
- 457 Lurking house-trespass or house-breaking by night in order to commit offence punishable with imprisonment.
- 458 Lurking house-trespass or house-breaking by night after preparation for hurt, assault, or wrongful restraint.
- 459 Grievous hurt caused whilst committing lurking house-trespass or house-breaking.
- 460 All persons jointly concerned in lurking house-trespass or house-breaking by night punishable where death or grievous hurt caused by one of them.

II

**Offence under the Suppression of Immoral Traffic
In Women and Girls Act, 1956 (Central
Act 104 of 1956)**

- 4 Living on the earning of prostitution.

Statement of objects and reasons

At present, in this Union territory there is no effective law for treatment and training of the habitual offenders. The law governing habitual offenders is contained in the provisions of various Portuguese laws, namely, Diploma Legislative No. 1249, dated 28-8-1948, Decree No. 26643, dated 28-5-1936 and Decree No. 35042, dated 20-10-1945. Further, the provisions as contained in these Portuguese laws are outdated and do not suit the present day circumstances. Under the circumstances it is necessary to have a comprehensive legislation on the subject for effective treatment and training of habitual offenders. Already the neighbouring States have enacted suitable legislation on the subject.

The present Bill which is drafted on the lines of the Act in force in the State of Maharashtra, namely, the Bombay Habitual Offenders Act, 1959 is a comprehensive and exhaustive Bill which, when it becomes an Act, would enable the Government to make better provision for treatment and training of habitual offenders.

Memorandum regarding delegated legislation

Section 25 of the Bill empowers the Government to make rules for carrying out the purposes of the Act. These powers are of a normal character providing only for the details of procedure for facilitating the working of the Act.

Financial memorandum

The Bill contemplates establishment of corrective settlements.

After the Act comes into effect there may be no need to open a corrective settlement for a couple of years. Need for opening one, will arise when large number of habitual offenders are registered with the District Magistrate and Government feels that a sizeable number should be sent to a corrective settlement. As and when the corrective settlement is established it would entail expenditure. The annual recurring expenditure by way of pay and allowances of the staff for manning the settlement will be Rs. 30,000 approximately. The expenditure on rent, electricity and water will be about Rs. 9,600 per annum. Besides, there will be non-recurring expenditure of Rs. 50,000 towards furniture, bedding, utensils etc.

Panaji,
3rd March, 1976.

Assembly Hall,
Panaji,
4th March, 1976.

SHASHIKALA KAKODKAR
Chief Minister

M. M. NAIK
Secretary to the Legislative
Assembly of Goa, Daman and Diu

LA/B/7/468/76

The following Bill which was introduced in the Legislative Assembly of Goa, Daman and Diu on 8th March, 1976 is hereby published for general information in pursuance of the provisions of Rule 136 of the Rules of Procedure and Conduct of Business of the Legislative Assembly.

The Goa, Daman and Diu Public Gambling Bill, 1976

(Bill No. 6 of 1976)

A BILL

to provide for the punishment of public gambling and the keeping of common gaming houses in the Union territory of Goa, Daman and Diu.

Be it enacted by the Legislative Assembly of Goa, Daman and Diu in the Twenty-seventh Year of the Republic of India as follows:—

1. *Short title, extent and commencement.*—(1) This Act may be called the Goa, Daman and Diu Public Gambling Act, 1976.

(2) It extends to the whole of the Union territory of Goa, Daman and Diu.

(3) It shall come into force at once.

2. *Definitions.*—In this Act, unless the context otherwise requires,—

(1) “common gaming-house” means—

(i) in the case of gaming—

(a) on the market price of cotton, opium or other commodity or on the digits of the number used in stating such price, or

(b) on the amount of variation in the market price of any such commodity or on the digits of the number used in stating the amount of such variation, or

(c) on the market price of any stock or share or on the digits of the number used in stating such price, or

(d) on the occurrence or non-occurrence of rain or other natural event, or

(e) on the quantity of rainfall or on the digits of the number used in stating such quantity, or

(f) on the wagering or betting on the digits of a numerical figure arrived at by manipulation in any manner whatsoever, or on the order of the digits, or on the digits themselves or on pictorial representations,

any house, room or any place whatsoever in which such gaming takes place or in which instruments of gaming are kept or used for such gaming;

(ii) in the case of any other form of gaming, any house, room or place whatsoever in which any instruments of gaming are kept or used for the profit or gain of the person owning, occupying, using, keeping such house, room or place whether by way of charge for the use of such house, room or place or instrument or otherwise;

(2) “gaming” includes—

(a) wagering or betting and includes wagering or betting on the digits of a numerical figure ar-

rived at by manipulation in any manner whatsoever, or on the order of the digits, or on the digits themselves or on pictorial representations,

(b) any transaction by which a person in any capacity whatever employs another person in any capacity whatever or engages for another in any capacity whatever, to wager or bet with any other person,

(c) the collection or soliciting of bets, receipts or distribution of winnings or prizes in money or otherwise in respect of wagering or betting or any act which is intended to aid or facilitate wagering or betting or such collection, soliciting, receipt or distribution,

but does not include a lottery;

(3) “Government” means the Government of Goa, Daman and Diu;

(4) “instrument of gaming”, includes any article used or intended to be used as a subject, an accessory or means of gaming, any document used or intended to be used as a register or record or evidence of any gaming, the proceeds of any gaming, and any winnings or prizes in money or otherwise distributed or intended to be distributed in respect of any gaming;

(5) “place” includes a tent, enclosure, space, vehicle and vessel.

3. *Punishment for keeping common gaming-house.*—Whoever—

(a) opens, keeps or uses any house, room or place for the purpose of a common gaming-house,

(b) being the owner or occupier of any such house, room or place knowingly or wilfully permits the same to be opened, occupied, kept or used by any other person for the purpose aforesaid,

(c) has the care or management of, or in any manner assists in conducting the business of, any such house, room or place opened, occupied, kept or used for the purpose aforesaid,

(d) advances or furnishes money for the purpose of gaming with persons frequenting any such house, room or place,

shall be punishable with imprisonment for a term which may extend to two years and also with fine which may extend to two thousand five hundred rupees:

Provided that—

(i) for the first offence, such imprisonment shall not be less than one month and the fine shall not be less than two hundred rupees,

(ii) for the second offence, such imprisonment shall not be less than three months and the fine shall not be less than three hundred rupees, and

(iii) for the third or subsequent offence, such imprisonment shall not be less than six months and the fine shall not be less than five hundred rupees.

4. *Punishment for gaming in common gaming-houses.*—(1) Whosoever is found in any common gaming-house gaming or present for the purpose of gaming shall be punishable with imprisonment for a

term which may extend to one year and also with fine which may extend to one thousand rupees:

Provided that —

(a) for the first offence, such imprisonment shall not be less than one month and the fine shall not be less than two hundred rupees;

(b) for the second offence, such imprisonment shall not be less than three months and the fine shall not be less than three hundred rupees, and

(c) for the third or subsequent offence, such imprisonment shall not be less than six months and the fine shall not be less than five hundred rupees.

(2) Any person found in any common gaming-house during any gaming therein shall be presumed, until the contrary is proved, to have been there for the purpose of gaming.

5. *Power to enter and authorise police to enter and search.* — (1) (a) If a District Magistrate, or a Sub-divisional Magistrate, or a Judicial Magistrate of the First Class, or

(b) the Inspector General or a Superintendent of Police or a Deputy Superintendent of Police or an Assistant Superintendent of Police specially empowered by the Government in this behalf,

upon credible information, and after such enquiry as he may think necessary, has reason to believe that any house, room or place is used as a common gaming-house, he may —

(i) either himself enter, or by his warrant, authorise any police officer not below the rank of an assistant sub-inspector to enter, by force, if necessary, with such assistance as may be found necessary, by night or by day, any such house, room or place,

(ii) either himself take into custody, or authorise such officer to take into custody, all persons whom he or such officer finds therein whether or not then actually gaming,

(iii) seize or authorise such officer to seize all instruments of gaming, and all money and securities for money, and articles of value, reasonably suspected to have been used or intended to be used for the purpose of gaming, which are found therein,

(iv) search or authorise such officer to search all parts of the house, room or place which he or such officer shall have so entered when he or such officer has reason to believe that any instruments of gaming are concealed therein, and also the persons of those whom he or such officer so takes into custody, and

(v) seize or authorise such officer to seize and take possession of all instruments of gaming found upon such search.

(2) Notwithstanding anything contained in any other law for the time being in force, no search made under this section shall be deemed to be illegal by reason only of the fact that the witnesses (if any) of the search were not inhabitants of the locality in which the house, room or place searched is situated.

6. *Punishment for giving false names and addresses.* — If any person found in any common gaming-house, entered by any Magistrate or officer of police

under the provisions of this Act, upon being arrested by any such officer or upon being brought before any Magistrate, and on being required by such officer or Magistrate to give his name and address refuses or neglects to give the same or gives any false name or address, he shall, on conviction, be punishable with imprisonment for a term which may extend to four months or with fine, not exceeding one thousand rupees.

7. *Presumptive proof of keeping or gaming in common gaming-house.* — When any instrument of gaming has been seized in any house, room or place entered under section 5 or about the person of anyone found therein, and in the case of any other thing so seized, if the court is satisfied that the Magistrate or police officer who entered such house, room or place had reasonable grounds for suspecting that the thing so seized was an instrument of gaming, the seizure of such instrument or thing shall be evidence, until the contrary is proved, that such house, room or place is used as a common gaming-house and the persons found therein were there present for the purpose of gaming, although no gaming was actually seen by Magistrate or the police officer or by any person acting under the authority of either of them:

Provided that the aforesaid presumption shall be made notwithstanding any defect in the warrant or order in pursuance of which the house, room or place was entered under section 5, if the court considers the defect not to be a material one.

8. *On conviction for keeping or gaming in common gaming-house, instruments of gaming may be destroyed or forfeited.* — On conviction of any person for opening, keeping or using a common gaming-house, or gaming therein, or being present therein for the purpose of gaming, the convicting Magistrate may order all the instruments of gaming found therein or on the persons of those who were found therein to be forthwith destroyed or forfeited, and may also order all or any of the securities for money, and other articles seized, not being instruments of gaming, to be sold and the proceeds thereof, with all moneys seized therein, to be forfeited, or, in his discretion, may order any part of such proceeds and other moneys to be paid to any person appearing to be entitled thereto.

9. *Proof of playing for money not required for conviction.* — It shall not be necessary, in order to convict a person of any offence under any of the provisions of section 3 or section 4 to prove that any person found gaming was playing for any money, wager or stake.

10. *Indemnification of certain witnesses.* — Any person who has been concerned in gaming contrary to this Act, and who is examined as a witness before a Magistrate in the trial of any person for a breach of any of the provisions of this Act relating to gaming, and who, upon such examination, makes, in the opinion of the Magistrate, a true and faithful discovery to the best of his knowledge of all things as to which he is so examined, shall thereupon receive from the said Magistrate, a certificate in writing to that effect and shall become free from all liabilities to undergo any punishment for contravention of any provision of this Act, for anything done before that time in respect of such gaming.

11. *Power to arrest without warrant for gaming and setting birds and animals to fight in public streets.* — (1) A police officer may arrest and search without warrant —

(a) any person found playing for money or other valuable thing with cards, dice, counters or other instruments of gaming used in playing any game not being a game of mere skill on any public street or thoroughfare or in any place to which the public have or are permitted to have access;

(b) any person setting any birds or animals to fight in any public street or thoroughfare, or in any place to which the public have or are permitted to have access;

(c) any person present there aiding or abetting such public fighting of birds and animals.

(2) Any person arrested under sub-section (1) shall be punishable with imprisonment which may extend to three months and also with fine which may extend to five hundred rupees and where such gaming consists of wagering or betting or of any such transaction as is referred to in sub-clause (b) of clause (2) of section 2, such person shall be punishable to the extent specified in section 4 and all moneys found with such persons shall be forfeited.

(3) Any such police officer may seize all birds and animals and things reasonably suspected to be instruments of gaming found in such public street, thoroughfare, place or on or about the person of those whom he shall so arrest and the Magistrate may, on conviction of the offender, order such instruments to be forthwith destroyed and such birds and animals to be sold and the proceeds forfeited.

(4) When anything has been found on or about any person and the Magistrate is satisfied that the police officer has reasonable grounds for suspecting that such a thing was an instrument of gaming, such circumstances shall, until the contrary is proved, be evidence that such thing was an instrument of gaming and that the person on or about whom the thing was found was present for the purpose of gaming.

12. *Arrest without warrant for printing, publishing or distributing any news or information.* — (1) A police officer not below the rank of a sub-inspector of police may arrest without warrant —

(a) any person who prints, publishes, sells, distributes or in any other manner circulates any newspaper, news sheet or other document or any news or information which aids, encourages or facilitates gaming;

(b) any person who —

(i) prints, publishes or circulates in any manner, any digits or figures or combination of any digits or figures, relating to gaming, or

(ii) by adopting any other form of device, disseminates or attempts to disseminate or abets the dissemination of, information regarding such digits or figures or combination of digits or figures.

(2) Any such person shall, on conviction, be punishable to the extent specified in section 3.

13. *Saving of games of mere skill.* — Nothing in this Act shall be held to apply to any game of mere skill wherever played.

14. *Offences by whom triable.* — Offences punishable under this Act shall be triable by a Judicial Magistrate of the first class having jurisdiction in the place where the offence is committed.

15. *Offences to be cognizable.* — Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (Central Act 2 of 1974), every offence under this Act shall be cognizable.

16. *Protection of action taken in good faith.* — No suit, prosecution or other legal proceedings shall lie against any person for anything which is done in good faith or intended to be done under this Act.

17. *Recovery of fines.* — All fines imposed under this Act may be recovered in the manner specified by section 421 of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974).

18. *Repeal and Savings.* — The Public Gambling Act, 1867 (Central Act 3 of 1867) as in force in the Union territory of Goa, Daman and Diu, is hereby repealed:

Provided that such repeal shall not affect —

(a) the previous operation of the Act so repealed, or

(b) any right, privilege, obligation or liability acquired, accrued or incurred under the Act so repealed, or

(c) any penalty, forfeiture or punishment incurred in respect of any offence committed against any of the provisions of the Act so repealed, or

(d) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid;

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced and any such penalty, forfeiture or punishment may be imposed as if this Act had not been passed:

Provided further that, subject to the preceding proviso, anything done or any action taken (including authorisations made, powers conferred, orders given and indemnity granted) by or under the Act so repealed shall, in so far as it is not inconsistent with any provisions of this Act, be deemed to have been done or taken under the corresponding provisions of this Act.

Statement of Object and Reasons

At present, in this territory the law which penalises gambling activities is Public Gambling Act, 1867. This Act is not wide enough to cover the gambling activities of the type of "matka gambling", which is of recent origin. Thus, inspite of effective implementation of 1867 Act the menace of matka gambling is growing day-by-day.

Further, the provisions of the 1867 Act are not sufficient to enable the Government to curb gambling activities effectively.

The present bill, which is based on the enactments in force in neighbouring States, would enable the Government to curb all types of gambling activities including matka gambling effectively.

Financial Memorandum

The Bill contemplates curbing of Public Gambling.

No additional financial expenditure is involved as the provisions of the Bill will be implemented by the existing machinery.

Panaji,
2nd March, 1976.

SHASHIKALA KAKODKAR

Chief Minister

Assembly Hall,
Panaji,
4th March, 1976.

M. M. NAIK

Secretary to the Legislative
Assembly of Goa, Daman and Diu

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